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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: Randal J. Kaufman, et al.

Serial No.: 08/980,038

Filed: November 26, 1997

For: *INACTIVATION RESISTANT FACTOR VIII*

Attorney Docket No.: UMV-1184CPCPA2

Group Art Unit: 1654

Examiner: Celsa, B.

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OFFICE OF PETITIONS

BOX DAC

Commissioner for Patents
Washington, D.C. 20231

**PETITION TO CONVERT CONTINUING PROSECUTION APPLICATION
FILED UNDER RULE 1.53(d) TO A CONTINUATION APPLICATION UNDER
RULE 1.53(b) PURSUANT TO 37 C.F.R. 1.53(e)**

Dear Sir:

Pursuant to 37 C.F.R. 1.53(e), Applicants hereby petition to convert the above-captioned continuing application (CPA) to a continuation application under Rule 1.53(b).

In parent application Serial No. 08/980,038 (the '038 application), Applicants responded to a Final Office Action dated June 30, 1999 with a Notice of Appeal filed on December 21, 1999. On July 20, 2000, Applicants filed a continuation prosecution application of the '038 application in lieu of filing an Appeal Brief.

Applicants received a Final Rejection Action dated October 11, 2000. Applicants then attempted to file a continuation application of the parent '038 application, but instead inadvertently filed a continuing prosecution application. Shortly after filing the CPA, Applicants noted the error and now seek to convert the inadvertently filed CPA to a continuation application under Rule 1.53(b).

Applicants enclose herewith a copy of the following documents regarding this file history of the parent '038 application:

- a) copy of the '038 as filed;
- b) copy of the Notice to File Missing Parts of Application, and Response to Notice to File Missing Parts of Application, including two executed Declaration, Petition and Power of Attorney documents, and executed Assignment for recordation; and
- c) copies of all Office Actions and Amendments filed in the matter.

Applicants further enclose a copy of the inadvertently filed continuing application transmittal sheet, and stamped postcard received by the U.S. Patent and Trademark Office.

Enclosed please find the required Petition Fee of \$130.00 pursuant to 37 C.F.R. 1.17(h). The Commissioner is hereby authorized to charge any deficiencies with regard to petition fees or to credit any overpayments to our Deposit Account No. 12-0080.

Applicants respectfully request that the Commissioner convert the inadvertently filed CPA into a continuation application under Rule 1.53(b), and assign the continuation application a new serial number.

If any further issues persist in this matter, the Commissioner's representative is urged to call Applicants' representative at the telephone number listed below.

I hereby certify that this correspondence is deposited with the United States Postal Service as first class mail in an envelope addressed to: Box DAC, Commissioner for Patents, Washington, DC 20231 on:

May 9, 2001

Date

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Dated: May 9, 2001



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** Passed the Patent Bar Examination

May 9, 2001

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Commissioner for Patents
Washington, D.C. 20231

Re: U.S. Patent Application Serial No. 08/980,038
Applicants: Randal J. Kaufman, et al.
Title: *INACTIVATION RESISTANT FACTOR VIII*
Filed: November 26, 1997
Examiner: Celsa, B., Group Art Unit: 1654
Attorney Docket No.: UMV-1184CPCPA2

Dear Sir:

I enclose herewith for filing in the above-identified application the following:

1. Petition to Convert Continuing Prosecution Application Filed Under Rule 1.53(d) to a Continuation Application Under Rule 1.53(b) Pursuant to 37 C.F.R. 1.53(e);
2. Copy of prosecution history of U.S. Application Serial No. 08/980,038;
3. Check in the amount of \$130.00; and
4. A return postcard.

Please charge any deficiencies in late fees to our Deposit Account No. 12-0080. The undersigned requests any extensions of time necessary to respond. A duplicate of this sheet is enclosed.

I hereby certify that this correspondence is deposited with the United States Postal Service as first class mail in an envelope addressed to: Box DAC, Commissioner for Patents, Washington, DC 20231 on:

May 9, 2001

Date

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